

**Senate File 267 - Introduced**

SENATE FILE 267

BY COURNOYER

**A BILL FOR**

1 An Act relating to the Iowa law enforcement academy council  
2 including the revocation or suspension of certifications  
3 of law enforcement officers and reserve peace officers,  
4 and administrative investigations under the peace officer,  
5 public safety, and emergency personnel bill of rights.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80B.6, subsection 1, paragraph a, Code  
2 2023, is amended to read as follows:

3 a. ~~Three residents~~ One resident of the state.

4 Sec. 2. Section 80B.6, subsection 1, Code 2023, is amended  
5 by adding the following new paragraphs:

6 NEW PARAGRAPH. 1. A member of the Iowa fraternal order of  
7 police.

8 NEW PARAGRAPH. m. A police officer employed by a regents  
9 institution.

10 Sec. 3. Section 80B.13A, subsection 1, paragraphs a and b,  
11 Code 2023, are amended to read as follows:

12 a. "*Final*" means that all appeals through a grievance  
13 procedure, civil service action, or other action or procedure  
14 available to the officer ~~or civil service~~ have been exhausted.

15 b. "*Serious misconduct*" means ~~improper or~~ illegal actions  
16 taken by a law enforcement officer or reserve peace officer in  
17 connection with the officer's official duties including but not  
18 limited to a conviction for a felony, fabrication of evidence,  
19 repeated use of excessive force in violation of clearly  
20 established law, acceptance of a bribe, or the commission of  
21 fraud.

22 Sec. 4. Section 80B.13A, subsection 2, paragraph c, Code  
23 2023, is amended to read as follows:

24 c. ~~Left,~~ Knowingly left or voluntarily quit, or been  
25 ~~laid off~~ when the officer was notified of a disciplinary  
26 investigation or action ~~was imminent or pending~~ which could  
27 would have resulted in the law enforcement officer being  
28 discharged or the reserve peace officer being removed for  
29 serious misconduct, if the council determines that the officer  
30 engaged in serious misconduct.

31 Sec. 5. Section 80B.13A, subsection 3, unnumbered paragraph  
32 1, Code 2023, is amended to read as follows:

33 The council may revoke or suspend the certification of a law  
34 enforcement officer or reserve peace officer and may publicly  
35 or privately reprimand a law enforcement officer, reserve peace

1 officer, or employing agency due to any of the following:

2     Sec. 6. Section 80B.13A, subsection 4, Code 2023, is amended  
3 to read as follows:

4     4. a. An employing agency shall notify the council within  
5 ten days of any termination of employment of a law enforcement  
6 officer or appointment as a reserve peace officer. The  
7 notification must state whether the law enforcement officer or  
8 reserve peace officer was discharged or removed for serious  
9 misconduct, ~~or whether the officer left, voluntarily quit, or~~  
10 ~~was laid off when~~ was notified of a disciplinary investigation  
11 ~~or action was imminent or pending which could~~ would have  
12 resulted in the officer being discharged or removed for serious  
13 misconduct, whether the officer left or voluntarily quit, and  
14 whether the action taken by the agency is final.

15     b. If the law enforcement officer or reserve peace officer  
16 exercises any right to hold the decision of an employing agency  
17 in abeyance, or appeals, grieves, or contests the officer's  
18 termination as provided by law, the employing agency shall  
19 notify the council in writing within ten days of the filing of  
20 such action by the officer.

21     c. Upon request by the council, the employing agency shall  
22 provide any additional information or documentation about the  
23 officer including confidential records or information under  
24 section 22.7 or other applicable law to the council.

25     Sec. 7. Section 80B.13A, Code 2023, is amended by adding the  
26 following new subsections:

27     NEW SUBSECTION. 3A. A decision of the council to revoke  
28 the certification of a law enforcement officer or reserve peace  
29 officer, to suspend a law enforcement officer or reserve peace  
30 officer's certification, or any other action against an officer  
31 or employing agency shall be made by a majority vote of the  
32 council.

33     NEW SUBSECTION. 4A. An action for revocation or suspension  
34 of the certification of a law enforcement officer or reserve  
35 peace officer shall not be maintained by the council unless the

1 action is commenced within one hundred eighty days from the  
2 date the council was notified of the grounds for the revocation  
3 or suspension.

4 Sec. 8. Section 80F.1, subsection 1, paragraphs c and f,  
5 Code 2023, are amended to read as follows:

6 *c. "Formal administrative investigation" means an*  
7 *investigative process ordered by a commanding officer of an*  
8 *agency or commander's designee during which the investigation*  
9 *and questioning of an officer is intended to gather evidence*  
10 *to determine the merit of a complaint, which may be the basis*  
11 *for administrative charges seeking the removal, discharge, or*  
12 *suspension, or other disciplinary action against the officer.*

13 *f. "Officer" means a certified law enforcement officer,*  
14 *fire fighter, emergency medical technician or medical*  
15 *provider, corrections officer, detention officer, jailer,*  
16 *probation or parole officer, communications officer, or any*  
17 *other law enforcement officer certified in training or whose*  
18 *certification is governed by the Iowa law enforcement academy,*  
19 *and employed by a municipality, county, or state agency.*

20 Sec. 9. Section 80F.1, subsection 5, Code 2023, is amended  
21 to read as follows:

22 5. *a.* An officer who is the subject of a complaint, shall  
23 at a minimum, be provided a written summary of the complaint  
24 prior to an interview. If a collective bargaining agreement  
25 applies, the complaint or written summary shall be provided  
26 pursuant to the procedures established under the collective  
27 bargaining agreement. If the complaint alleges domestic abuse,  
28 sexual abuse, workplace harassment, or sexual harassment, an  
29 officer shall not receive more than a written summary of the  
30 complaint.

31 *b. Upon written request of the officer or the officer's*  
32 *legal counsel, the employing agency shall provide to the*  
33 *officer or the officer's legal counsel a complete copy of the*  
34 *officer's incident report and the officer's video or audio*  
35 *recordings from the incident giving rise to the complaint*

1 without unnecessary delay prior to an interview of the officer.  
2 Nothing in this paragraph shall be construed to constitute a  
3 disclosure of public records.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with  
6 the explanation's substance by the members of the general assembly.

7 This bill relates to the Iowa law enforcement academy  
8 council (council) including the revocation or suspension of  
9 certifications of law enforcement officers and reserve peace  
10 officers, and administrative investigations under the peace  
11 officer, public safety, and emergency personnel bill of rights.

12 IOWA LAW ENFORCEMENT ACADEMY — COUNCIL. Current law  
13 provides that the council consists of 13 voting members  
14 appointed by the governor, subject to confirmation by the  
15 senate, which includes 3 residents of the state. The bill  
16 provides that the council shall include one resident of the  
17 state, and adds one member of the Iowa fraternal order of  
18 police and one peace officer employed by a regents institution  
19 to the membership of the council.

20 The bill provides that a "final" decision for purposes of  
21 the revocation or suspension of the certification of a law  
22 enforcement officer or peace officer by the council means  
23 that all appeals through a grievance procedure, civil service  
24 action, or other action or procedure available to the officer  
25 have been exhausted, and "serious misconduct" includes the  
26 repeated use of excessive force in violation of clearly  
27 established law.

28 The bill provides that the council shall revoke the  
29 certification of a law enforcement officer or reserve peace  
30 officer upon a finding that the law enforcement officer or  
31 reserve peace officer knowingly left or voluntarily quit when  
32 the officer was notified of a disciplinary investigation or  
33 action which would have resulted in the law enforcement officer  
34 being discharged or the reserve peace officer being removed for  
35 serious misconduct, if the council determines that the officer

1 engaged in serious misconduct.

2 The bill provides that the council may revoke or suspend  
3 the certification of a law enforcement officer or reserve  
4 peace officer and may publicly or privately reprimand a law  
5 enforcement officer, reserve peace officer, or employing  
6 agency due to any of the following: a violation of any rules  
7 authorized and adopted by the council, when an employing agency  
8 recommends to the council that revocation or suspension would  
9 be appropriate, or when the attorney general recommends that  
10 revocation or suspension would be appropriate.

11 The bill amends current law to provide that notification  
12 of the council by an employing agency of any termination of  
13 employment of a law enforcement officer or appointment as a  
14 reserve peace officer must state whether the law enforcement  
15 officer or reserve peace officer was discharged or removed  
16 for serious misconduct, whether the officer was notified  
17 of a disciplinary investigation or action which would have  
18 resulted in the officer being discharged or removed for serious  
19 misconduct, whether the officer left or voluntarily quit, and  
20 whether the action taken by the agency is final.

21 The bill provides that if a law enforcement officer or  
22 reserve peace officer exercises any right to hold the decision  
23 of an employing agency in abeyance, or appeals, grieves, or  
24 contests the officer's termination, the employing agency shall  
25 notify the council in writing within 10 days of the filing of  
26 such action by the officer.

27 The bill provides that a decision of the council to revoke  
28 the certification of a law enforcement officer or reserve peace  
29 officer, to suspend the certification of a law enforcement  
30 officer or reserve peace officer, or any other action against  
31 an officer or employing agency shall be made by a majority  
32 vote of the council. An action for revocation or suspension  
33 of the certification of a law enforcement officer or reserve  
34 peace officer shall not be maintained by the council unless the  
35 action is commenced within 180 days from the date the council

1 was notified of the grounds for the revocation or suspension.  
2 PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL  
3 OF RIGHTS (CODE CHAPTER 80F). The bill amends the definition  
4 of "formal administrative investigation" relating to formal  
5 administrative investigations of officers to include an  
6 investigative process ordered by a commanding officer of an  
7 agency or commander's designee during which the investigation  
8 and questioning of an officer is intended to gather evidence to  
9 determine the merit of a complaint filed against the officer,  
10 which may be the basis for administrative charges seeking  
11 the removal, discharge, or suspension, or other disciplinary  
12 action against the officer. The bill amends the definition  
13 of "officer" to include a medical provider and any other law  
14 enforcement officer in training or whose certification is  
15 governed by the Iowa law enforcement academy, and employed by a  
16 municipality, county, or state agency.  
17 The bill provides that upon written request of an officer or  
18 an officer's legal counsel, the employing agency shall provide  
19 to the officer or the officer's legal counsel a complete copy  
20 of the officer's incident report and the officer's video or  
21 audio recordings from the incident giving rise to the complaint  
22 without unnecessary delay prior to an interview of the officer.  
23 The bill provides that the provision of the report and audio  
24 and video recordings shall not be construed to constitute a  
25 disclosure of public records.